

In the House of Representatives, U. S.,

September 29, 2008.

Resolved, That the bill from the Senate (S. 1193) entitled “An Act to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico.”, do pass with the following

AMENDMENTS:

Strike all after the enacting clause and insert the following:

1 ***TITLE I—ALBUQUERQUE INDIAN***
2 ***SCHOOL ACT***

3 ***SEC. 101. SHORT TITLE.***

4 *This title may be cited as the “Albuquerque Indian*
5 *School Act”.*

6 ***SEC. 102. DEFINITIONS.***

7 *In this title:*

8 (1) 19 PUEBLOS.—*The term “19 Pueblos” means*
9 *the New Mexico Indian Pueblos of—*

10 (A) *Acoma;*

11 (B) *Cochiti;*

12 (C) *Isleta;*

13 (D) *Jemez;*

14 (E) *Laguna;*

- 1 (F) *Nambe*;
 2 (G) *Ohkay Owingeh (San Juan)*;
 3 (H) *Picuris*;
 4 (I) *Pojoaque*;
 5 (J) *San Felipe*;
 6 (K) *San Ildefonso*;
 7 (L) *Sandia*;
 8 (M) *Santa Ana*;
 9 (N) *Santa Clara*;
 10 (O) *Santo Domingo*;
 11 (P) *Taos*;
 12 (Q) *Tesuque*;
 13 (R) *Zia*; and
 14 (S) *Zuni*.

15 (2) *SECRETARY.*—*The term “Secretary” means*
 16 *the Secretary of the Interior (or a designee).*

17 (3) *SURVEY.*—*The term “survey” means the sur-*
 18 *vey plat entitled “Department of the Interior, Bureau*
 19 *of Indian Affairs, Southern Pueblos Agency, BIA*
 20 *Property Survey” (prepared by John Paisano, Jr.,*
 21 *Registered Land Surveyor Certificate No. 5708), and*
 22 *dated March 7, 1977.*

23 **SEC. 103. LAND TAKEN INTO TRUST FOR BENEFIT OF 19**
 24 **PUEBLOS.**

25 (a) *ACTION BY SECRETARY.*—

1 (1) *IN GENERAL.*—*The Secretary shall take into*
 2 *trust all right, title, and interest of the United States*
 3 *in and to the land described in subsection (b) for the*
 4 *benefit of the 19 Pueblos immediately after the Sec-*
 5 *retary has confirmed that the National Environ-*
 6 *mental Policy Act of 1969 has been complied with re-*
 7 *garding the trust acquisition of these Federal lands.*

8 (2) *ADMINISTRATION.*—*The Secretary shall—*

9 (A) *take such action as the Secretary deter-*
 10 *mines to be necessary to document the transfer*
 11 *under paragraph (1); and*

12 (B) *appropriately assign each applicable*
 13 *private and municipal utility and service right*
 14 *or agreement.*

15 (b) *DESCRIPTION OF LAND.*—*The land referred to in*
 16 *subsection (a)(1) is the 2 tracts of Federal land, the com-*
 17 *bined acreage of which is approximately 8.4759 acres, that*
 18 *were historically part of the Albuquerque Indian School,*
 19 *more particularly described as follows:*

20 (1) *EASTERN PART TRACT B.*—*The approxi-*
 21 *mately 2.2699 acres located in sec. 7 and sec. 8 of T.*
 22 *10 N., R. 3 E., of the New Mexico Principal Meridian*
 23 *in the city of Albuquerque, New Mexico, as identified*
 24 *on the survey and does not include the Western Part*
 25 *of Tract B containing 3.6512 acres.*

1 (2) *NORTHERN PART TRACT D.*—*The approxi-*
 2 *mately 6.2060 acres located in sec. 7 and sec. 8 of T.*
 3 *10 N., R. 3 E., of the New Mexico Principal Meridian*
 4 *in the city of Albuquerque, New Mexico, as identified*
 5 *on the survey and does not include the Southern Part*
 6 *of Tract D containing 6.1775 acres.*

7 (c) *SURVEY.*—*The Secretary shall perform a survey of*
 8 *the land to be transferred consistent with subsection (b), and*
 9 *may make minor corrections to the survey and legal de-*
 10 *scription of the Federal land described in subsection (b) as*
 11 *the Secretary determines to be necessary to correct clerical,*
 12 *typographical, and surveying errors.*

13 (d) *USE OF LAND.*—*The land taken into trust under*
 14 *subsection (a) shall be used for the educational, health, cul-*
 15 *tural, business, and economic development of the 19 Pueb-*
 16 *los.*

17 (e) *LIMITATIONS AND CONDITIONS.*—*The land taken*
 18 *into trust under subsection (a) shall remain subject to any*
 19 *private or municipal encumbrance, right-of-way, restric-*
 20 *tion, easement of record, or utility service agreement in ef-*
 21 *fect on the date of enactment of this Act.*

22 **SEC. 104. EFFECT OF OTHER LAWS.**

23 (a) *IN GENERAL.*—*Except as otherwise provided in*
 24 *this section, land taken into trust under section 103(a) shall*
 25 *be subject to Federal laws relating to Indian land.*

1 (b) *GAMING.*—No gaming activity (within the mean-
 2 ing of the Indian Gaming Regulatory Act (25 U.S.C. 2701
 3 et seq.)) shall be carried out on land taken into trust under
 4 section 103(a).

5 **TITLE II—NATIVE AMERICAN** 6 **TECHNICAL CORRECTIONS**

7 **SEC. 201. COLORADO RIVER INDIAN TRIBES.**

8 *The Secretary of the Interior may make, subject to*
 9 *amounts provided in subsequent appropriations Acts, an*
 10 *annual disbursement to the Colorado River Indian Tribes.*
 11 *Funds disbursed under this section shall be used to fund*
 12 *the Office of the Colorado River Indian Tribes Reservation*
 13 *Energy Development and shall not be less than \$200,000*
 14 *and not to exceed \$350,000 annually.*

15 **SEC. 202. GILA RIVER INDIAN COMMUNITY CONTRACTS.**

16 *Subsection (f) of the first section of the Act of August*
 17 *9, 1955 (25 U.S.C. 415(f)), is amended by striking “lease,*
 18 *affecting” and inserting “lease or construction contract, af-*
 19 *fecting”.*

20 **SEC. 203. LAND AND INTERESTS OF THE SAULT STE. MARIE** 21 **TRIBE OF CHIPPEWA INDIANS OF MICHIGAN.**

22 (a) *IN GENERAL.*—Subject to subsections (b) and (c),
 23 *notwithstanding any other provision of law (including reg-*
 24 *ulations), the Sault Ste. Marie Tribe of Chippewa Indians*
 25 *of Michigan (including any agent or instrumentality of the*

1 *Tribe) (referred to in this section as the “Tribe”), may*
 2 *transfer, lease, encumber, or otherwise convey, without fur-*
 3 *ther authorization or approval, all or any part of the*
 4 *Tribe’s interest in any real property that is not held in*
 5 *trust by the United States for the benefit of the Tribe.*

6 **(b) EFFECT OF SECTION.**—*Nothing in this section is*
 7 *intended to authorize the Tribe to transfer, lease, encumber,*
 8 *or otherwise convey, any lands, or any interest in any*
 9 *lands, that are held in trust by the United States for the*
 10 *benefit of the Tribe.*

11 **(c) LIABILITY.**—*The United States shall not be held*
 12 *liable to any party (including the Tribe or any agent or*
 13 *instrumentality of the Tribe) for any term of, or any loss*
 14 *resulting from the term of any transfer, lease, encumbrance,*
 15 *or conveyance of land made pursuant to this Act unless the*
 16 *United States or an agent or instrumentality of the United*
 17 *States is a party to the transaction or the United States*
 18 *would be liable pursuant to any other provision of law. This*
 19 *subsection shall not apply to land transferred or conveyed*
 20 *by the Tribe to the United States to be held in trust for*
 21 *the benefit of the Tribe.*

22 **(d) EFFECTIVE DATE.**—*This section shall be deemed*
 23 *to have taken effect on January 1, 2005.*

1 **SEC. 204. MORONGO BAND OF MISSION INDIANS LEASE EX-**
 2 **TENSION.**

3 *Subsection (a) of the first section of the Act of August*
 4 *9, 1955 (25 U.S.C. 415(a)) is amended in the second sen-*
 5 *tence by inserting “and except leases of land held in trust*
 6 *for the Morongo Band of Mission Indians which may be*
 7 *for a term of not to exceed 50 years,” before “and except*
 8 *leases of land for grazing purposes which may be for a term*
 9 *of not to exceed ten years”.*

10 **SEC. 205. COW CREEK BAND OF UMPQUA TRIBE OF INDIANS**
 11 **LEASING AUTHORITY.**

12 *(a) AUTHORIZATION FOR 99-YEAR LEASES.—Sub-*
 13 *section (a) of the first section of the Act of August 9, 1955*
 14 *(25 U.S.C. 415(a)), is amended in the second sentence by*
 15 *inserting “and lands held in trust for the Cow Creek Band*
 16 *of Umpqua Tribe of Indians,” after “lands held in trust*
 17 *for the Confederated Tribes of the Warm Springs Reserva-*
 18 *tion of Oregon,”.*

19 *(b) EFFECTIVE DATE.—The amendment made by sub-*
 20 *section (a) shall apply to any lease entered into or renewed*
 21 *after the date of the enactment of this Act.*

22 **SEC. 206. NEW SETTLEMENT COMMON STOCK ISSUED TO**
 23 **DESCENDANTS, LEFT-OUTS, AND ELDERS.**

24 *Section 7(g)(1)(B) of the Alaska Native Claims Settle-*
 25 *ment Act (43 U.S.C. 1606(g)(1)(B)) is amended by striking*
 26 *clause (iii) and inserting the following:*

1 “(iii) CONDITIONS ON CERTAIN
2 STOCK.—

3 “(I) IN GENERAL.—An amend-
4 ment under clause (i) may provide
5 that Settlement Common Stock issued
6 to a Native pursuant to the amend-
7 ment (or stock issued in exchange for
8 that Settlement Common Stock pursu-
9 ant to subsection (h)(3) or section
10 29(c)(3)(D)) shall be subject to 1 or
11 more of the conditions described in
12 subclause (II).

13 “(II) CONDITIONS.—A condition
14 referred to in subclause (I) is a condi-
15 tion that—

16 “(aa) the stock described in
17 that subclause shall be deemed to
18 be canceled on the death of the
19 Native to whom the stock is
20 issued, and no compensation for
21 the cancellation shall be paid to
22 the estate of the deceased Native or
23 any person holding the stock;

24 “(bb) the stock shall carry
25 limited or no voting rights; and

1 “(cc) the stock shall not be
 2 transferred by gift under sub-
 3 section (h)(1)(C)(iii).”.

4 **SEC. 207. INDIAN LAND CONSOLIDATION ACT.**

5 (a) *DEFINITIONS.*—Section 202 of the Indian Land
 6 Consolidation Act (25 U.S.C. 2201) is amended—

7 (1) in paragraph (4)—

8 (A) by inserting “(i)” after “(4)”;

9 (B) by striking “ ‘trust or restricted interest
 10 in land’ or” and inserting the following: “(ii)
 11 ‘trust or restricted interest in land’ or”; and

12 (C) in clause (ii) (as designated by sub
 13 paragraph (B)), by striking “an interest in land,
 14 title to which” and inserting “an interest in
 15 land, the title to which interest”; and

16 (2) by striking paragraph (7) and inserting the
 17 following: “(7) the term ‘land’ means any real prop-
 18 erty;”.

19 (b) *PARTITION OF HIGHLY FRACTIONATED INDIAN*
 20 *LANDS.*—Section 205(c)(2)(D)(i) of the Indian Land Con-
 21 solidation Act (25 U.S.C. 2204(c)(2)(D)(i)) is amended in
 22 the matter following subclause (III) by striking “by Sec-
 23 retary” and inserting “by the Secretary”.

1 (c) *DESCENT AND DISTRIBUTION*.—Section 207 of the
 2 *Indian Land Consolidation Act (25 U.S.C. 2206)* is amend-
 3 *ed—*

4 (1) *in subsection (a)—*

5 (A) *in paragraph (2)(D)—*

6 (i) *in clause (i), by striking “clauses*
 7 *(ii) through (iv)” and inserting “clauses*
 8 *(ii) through (v)”;*

9 (ii) *in clause (iv)(II), by striking “de-*
 10 *cedent” and inserting “descent”; and*

11 (iii) *by striking clause (v) and insert-*
 12 *ing the following:*

13 “(v) *EFFECT OF SUBPARAGRAPH.—*
 14 *Nothing in this subparagraph limits the*
 15 *right of any person to devise any trust or*
 16 *restricted interest pursuant to a valid will*
 17 *in accordance with subsection (b).”; and*

18 (B) *by adding at the end the following:*

19 “(2) *INTESTATE DESCENT OF PERMANENT IM-*
 20 *PROVEMENTS.—*

21 “(A) *DEFINITION OF COVERED PERMANENT*
 22 *IMPROVEMENT.—In this paragraph, the term*
 23 *‘covered permanent improvement’ means a per-*
 24 *manent improvement (including an interest in*
 25 *such an improvement) that is—*

1 “(i) included in the estate of a dece-
2 dent; and

3 “(ii) attached to a parcel of trust or re-
4 stricted land that is also, in whole or in
5 part, included in the estate of that decedent.

6 “(B) *RULE OF DESCENT.*—*Except as other-*
7 *wise provided in a tribal probate code approved*
8 *under section 206 or a consolidation agreement*
9 *approved under subsection (j)(9), a covered per-*
10 *manent improvement in the estate of a decedent*
11 *shall—*

12 “(i) descend to each eligible heir to
13 whom the trust or restricted interest in land
14 in the estate descends pursuant to this sub-
15 section; or

16 “(ii) pass to the recipient of the trust
17 or restricted interest in land in the estate
18 pursuant to a renunciation under sub-
19 section (j)(8).

20 “(C) *APPLICATION AND EFFECT.*—*The pro-*
21 *visions of this paragraph apply to a covered per-*
22 *manent improvement—*

23 “(i) even though that covered perma-
24 nent improvement is not held in trust; and

1 “(ii) *without altering or otherwise af-*
 2 *fecting the non-trust status of such a cov-*
 3 *ered permanent improvement.’”;*

4 (2) *in subsection (b)(2)(B)—*

5 (A) *by redesignating clauses (i) through*
 6 *(iii) as subclauses (I) through (III), respectively,*
 7 *and indenting the subclauses appropriately;*

8 (B) *by striking “Any interest” and insert-*
 9 *ing the following:*

10 “(i) *IN GENERAL.—Subject to clauses*
 11 *(ii) and (iii), any interest”;*”;

12 (C) *in subclause (III) of clause (i) (as des-*
 13 *ignated by subparagraphs (A) and (B)), by*
 14 *striking the semicolon and inserting a period;*

15 (D) *by striking “provided that nothing”*
 16 *and inserting the following:*

17 “(iii) *EFFECT.—Except as provided in*
 18 *clause (ii), nothing; and”.*

19 (E) *by inserting after clause (i) (as des-*
 20 *ignated by subparagraph (B)) the following:*

21 “(ii) *EXCEPTION.—*

22 “(I) *IN GENERAL.—Notwith-*
 23 *standing clause (i), in any case in*
 24 *which a resolution, law, or other duly*
 25 *adopted enactment of the Indian tribe*

1 *with jurisdiction over the land of*
 2 *which an interest described in clause*
 3 *(i) is a part requests the Secretary to*
 4 *apply subparagraph (A)(ii) to devises*
 5 *of trust or restricted land under the ju-*
 6 *risdiction of the Indian tribe, the in-*
 7 *terest may be devised in fee in accord-*
 8 *ance with subparagraph (A)(ii).*

9 “(II) *EFFECT.*—Subclause (I)
 10 *shall apply with respect to a devise of*
 11 *a trust or restricted interest in land by*
 12 *any decedent who dies on or after the*
 13 *date on which the applicable Indian*
 14 *tribe adopts the resolution, law, or*
 15 *other enactment described in subclause*
 16 *(I), regardless of the date on which the*
 17 *devise is made.*

18 “(III) *NOTICE OF REQUEST.*—An
 19 *Indian tribe shall provide to the Sec-*
 20 *retary a copy of any resolution, law,*
 21 *or other enactment of the Indian tribe*
 22 *that requests the Secretary to apply*
 23 *subparagraph (A)(ii) to devises of trust*
 24 *or restricted land under the jurisdic-*
 25 *tion of the Indian tribe.”;*

1 (3) in subsection (h)(1)—

2 (A) by striking “A will” and inserting the
3 following:

4 “(A) *IN GENERAL.—A will*”; and

5 (B) by adding at the end the following:

6 “(B) *PERMANENT IMPROVEMENTS.—Except*
7 *as otherwise expressly provided in the will, a de-*
8 *vise of a trust or restricted interest in a parcel*
9 *of land shall be presumed to include the interest*
10 *of the testator in any permanent improvements*
11 *attached to the parcel of land.*

12 “(C) *APPLICATION AND EFFECT.—The pro-*
13 *visions of this paragraph apply to a covered per-*
14 *manent improvement—*

15 “(i) *even though that covered perma-*
16 *nent improvement is not held in trust; and*

17 “(ii) *without altering or otherwise af-*
18 *fecting the non-trust status of such a cov-*
19 *ered permanent improvement.*”;

20 (4) in subsection (i)(4)(C), by striking “*interest*
21 *land*” and inserting “*interest in land*”;

22 (5) in subsection (j)(2)(A)(ii), by striking “*inter-*
23 *est land*” and inserting “*interest in land*”;

(6) in subsection (k), in the matter preceding paragraph (1), by inserting “a” after “receiving”;
and

(7) in subsection (o)—

(A) in paragraph (3)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and indenting the clauses appropriately;

(ii) by striking “(3)” and all that follows through “No sale” and inserting the following:

“(3) REQUEST TO PURCHASE; CONSENT REQUIREMENTS; MULTIPLE REQUESTS TO PURCHASE.—

“(A) IN GENERAL.—No sale”;

(iii) by striking the last sentence and inserting the following:

“(B) MULTIPLE REQUESTS TO PURCHASE.—Except for interests purchased pursuant to paragraph (5), if the Secretary receives a request with respect to an interest from more than 1 eligible purchaser under paragraph (2), the Secretary shall sell the interest to the eligible purchaser that is selected by the applicable heir, devisee, or surviving spouse.”;

(B) in paragraph (4)—

1 (i) in subparagraph (A), by adding
2 “and” at the end;

3 (ii) in subparagraph (B), by striking
4 “; and” and inserting a period; and

5 (iii) by striking subparagraph (C);
6 and

7 (C) in paragraph (5)—

8 (i) in subparagraph (A)—

9 (I) in the matter preceding clause

10 (i)—

11 (aa) by inserting “or sur-
12 viving spouse” after “heir”;

13 (bb) by striking “paragraph
14 (3)(B)” and inserting “paragraph
15 (3)(A)(ii)”;

16 (cc) by striking “auction
17 and”;

18 (II) in clause (i), by striking
19 “and” at the end;

20 (III) in clause (ii)—

21 (aa) by striking “auction”
22 and inserting “sale”;

23 (bb) by striking “the interest
24 passing to such heir represents”
25 and inserting “, at the time of

1 *death of the applicable decedent,*
2 *the interest of the decedent in the*
3 *land represented”; and*

4 *(cc) by striking the period at*
5 *the end and inserting “; and”;*

6 *(IV) by adding at the end the fol-*
7 *lowing:*

8 *“(iii)(I) the Secretary is purchasing*
9 *the interest under the program authorized*
10 *under section 213(a)(1); or*

11 *“(II) after receiving a notice under*
12 *paragraph (4)(B), the Indian tribe with ju-*
13 *risdiction over the interest is proposing to*
14 *purchase the interest from an heir or sur-*
15 *living spouse who is not residing on the*
16 *property in accordance with clause (i), and*
17 *who is not a member, and is not eligible to*
18 *become a member, of that Indian tribe.”;*
19 *and*

20 *(ii) in subparagraph (B)—*

21 *(I) by inserting “or surviving*
22 *spouse” after “heir” each place it ap-*
23 *pears; and*

1 (II) by striking “heir’s interest”
 2 and inserting “interest of the heir or
 3 surviving spouse”.

4 (d) CONFORMING AMENDMENT.—Section 213(a)(1) of
 5 the Indian Land Consolidation Act (25 U.S.C. 2212(a)(1))
 6 is amended by striking “section 207(p)” and inserting “sec-
 7 tion 207(o)”.

8 (e) OWNER-MANAGED INTERESTS.—Section 221(a) of
 9 the Indian Land Consolidation Act (25 U.S.C. 2220(a)) is
 10 amended by inserting “owner or” before “co-owners”.

11 (f) EFFECTIVE DATES.—

12 (1) TESTAMENTARY DISPOSITION.—The amend-
 13 ments made by subsection (c)(2) of this section to sec-
 14 tion 207(b) of the Indian Land Consolidation Act (25
 15 U.S.C. 2206(b)) shall not apply to any will executed
 16 before the date that is 1 year after the date of enact-
 17 ment of this Act.

18 (2) SMALL UNDIVIDED INTERESTS IN INDIAN
 19 LANDS.—The amendments made by subsection
 20 (c)(7)(C) of this section to subsection (o)(5) of section
 21 207 of the Indian Land Consolidation Act (25 U.S.C.
 22 2206) shall not apply to or affect any sale of an in-
 23 terest under subsection (o)(5) of that section that was
 24 completed before the date of enactment of this Act.

1 ***TITLE III—REAUTHORIZATION***
 2 ***OF MEMORIAL TO MARTIN LU-***
 3 ***THER KING, JR.***

4 ***SEC. 301. REAUTHORIZATION.***

5 *Section 508(b)(2) of the Omnibus Parks and Public*
 6 *Lands Management Act of 1996 (40 U.S.C. 8903 note; 110*
 7 *Stat. 4157, 114 Stat. 26, 117 Stat. 1347, 119 Stat. 527)*
 8 *is amended by striking “November 12, 2008” and inserting*
 9 *“November 12, 2009”.*

Amend the title so as to read: “An Act to direct the Secretary of the Interior to take into trust 2 parcels of Federal land for the benefit of certain Indian Pueblos in the State of New Mexico, and for other purposes.”.

Attest:

Clerk.

110TH CONGRESS
2^D SESSION

S. 1193

AMENDMENTS